

## **Homophobia in Europe**

### **European Parliament resolution on homophobia in Europe**

*The European Parliament,*

- having regard to international and European human rights obligations, such as those contained in the UN conventions on human rights and in the European Convention on Human Rights and Fundamental Freedoms,
  - having regard to provisions of EU law on human rights, notably to the Charter of fundamental rights of the European Union<sup>1</sup>, as well as to Articles 6 and 7 of the Treaty on European Union,
  - having regard to Article 13 of the Treaty establishing the European Community, which invests the Community with the power to adopt measures to combat discrimination based, inter alia, on sexual orientation, and to promote the principle of equality,
  - having regard to Council Directives 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin<sup>2</sup> and 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation<sup>3</sup>, which prohibit direct or indirect discrimination on grounds of racial or ethnic origin, religion or belief, disability, age or sexual orientation,
  - having regard to paragraph 1 of Article 21 of the Charter of fundamental rights, which prohibits '[a]ny discrimination based on any ground such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation',
  - having regard to Rule 103(4) of its Rules of Procedure,
- A. whereas homophobia can be defined as an irrational fear of and aversion to homosexuality and to lesbian, gay, bisexual and transgender (LGBT) people based on prejudice and similar to racism, xenophobia, anti-semitism and sexism,
- B. whereas homophobia manifests itself in the private and public spheres in different forms, such as hate speech and incitement to discrimination, ridicule and verbal, psychological and physical violence, persecution and murder, discrimination in violation of the principle of equality and unjustified and unreasonable limitations of rights, which are often hidden behind justifications based on public order, religious freedom and the right to conscientious objection,
- C. whereas a series of worrying events has recently taken place in a number of Member States, as widely reported by the press and NGOs, ranging from banning gay pride or equality marches to the use by leading politicians and religious leaders of inflammatory or

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<sup>1</sup> OJ C 364, 18.12.2000, p. 1.

<sup>2</sup> OJ L 180, 19.7.2000, p. 22.

<sup>3</sup> OJ L 303, 2.12.2000, p. 16.

threatening language or hate speech, failure by police to provide adequate protection or even breaking up peaceful demonstrations, violent demonstrations by homophobic groups, and the introduction of changes to constitutions explicitly to prohibit same-sex unions,

- D. whereas at the same time a positive, democratic and tolerant reaction has been shown in some cases by the general public, civil society and local and regional authorities that have demonstrated against homophobia, as well as by the redressing by judicial systems of the most striking and illegal forms of discrimination,
- E. whereas same-sex partners in some Member States do not enjoy all of the rights and protections enjoyed by married opposite sex partners and consequently suffer discrimination and disadvantage,
- F. whereas at the same time more countries in Europe are moving towards ensuring equal opportunities, inclusion and respect, and provide protection against discrimination on grounds of sexual orientation, gender expression and gender identity, and recognition of same-sex families;
- G. whereas the Commission has declared its commitment to ensuring respect for human rights and fundamental freedoms in the EU, and has set up a group of Commissioners responsible for human rights,
- H. whereas not all Member States have introduced in their legal systems measures to protect the rights of LGBT people, as required by Directives 2000/43/EC and 2000/78/EC, and not all Member States are fighting discrimination based on sexual orientation nor promoting equality,
- I. whereas further action is needed at EU and national levels to eradicate homophobia and promote a culture of freedom, tolerance and equality among citizens and in legal systems,
  - 1. Strongly condemns any discrimination on the basis of sexual orientation;
  - 2. Calls on Member States to ensure that LGBT people are protected from homophobic hate speech and violence and ensure that same-sex partners enjoy the same respect, dignity and protection as the rest of society;
  - 3. Urges Member States and the Commission firmly to condemn homophobic hate speech or incitement to hatred and violence, and to ensure that freedom of demonstration – guaranteed by all human rights treaties - is respected in practice;
  - 4. Calls on the Commission to ensure that discrimination on the basis of sexual orientation in all sectors is prohibited by completing the anti-discrimination package based on Article 13 of the Treaty either by proposing new directives or by proposing a general framework covering all grounds of discrimination and all sectors;
  - 5. Urges Member States and the Commission to step up the fight against homophobia through education, such as campaigns against homophobia in schools, in universities and in the media, as well as through administrative, judicial and legislative means;
  - 6. Reiterates its position in relation to the proposal for a decision on the European Year of

Equal Opportunities for All that the Commission must ensure that all forms of discrimination referred to in Article 13 of the Treaty and in Article 2 of the proposal are addressed and dealt with equally, as stated in the Parliament's position of 13 December 2005 on the proposal<sup>1</sup>, and reminds the Commission of its promise to monitor closely this matter and to report to Parliament;

7. Urges the Commission to ensure that all Member States have transposed and are correctly implementing Directive 2000/78/EC and to start infringement proceedings against those Member States that fail to do so; in addition, calls on the Commission to ensure that the annual report on the protection of fundamental rights in the EU includes full and comprehensive information on the incidence of homophobic hate crimes and violence in Member States;
8. Urges the Commission to come up with a proposal for a directive on protection against discrimination on the basis of all the grounds mentioned in Article 13 of the Treaty, having the same scope as Directive 2000/43/EC;
9. Urges the Commission to consider the use of criminal penalties in cases of violation of directives based on Article 13 of the Treaty;
10. Calls on all Member States to take any other action they deem appropriate in the fight against homophobia and discrimination on grounds of sexual orientation and to promote and implement the principle of equality in their societies and legal systems;
11. Urges Member States to enact legislation to end discrimination faced by same-sex partners in the areas of inheritance, property arrangements, tenancies, pensions, tax, social security etc.;
12. Welcomes recent steps taken in several Member States to improve the position of LGBT people and resolves to organise a seminar for the exchange of good practice on 17 May 2006 (International Day against Homophobia);
13. Reiterates its request that the Commission put forward proposals guaranteeing freedom of movement for Union citizens and their family members and registered partners of either gender, as referred to in Parliament's recommendation of 14 October 2004 on the future of the area of freedom, security and justice<sup>2</sup>;
14. Calls on the Member States concerned finally to accord full recognition to homosexuals as targets and victims of the Nazi regime;
15. Instructs its President to forward this resolution to the Commission, to the governments of the Member States and to the accession and candidate countries.

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<sup>1</sup> *Texts adopted*, P6\_TA(2005)0489.

<sup>2</sup> OJ C 166 E, 7.7.2005, p. 58.